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UNCLAS HO CHI MINH CITY 001002

SIPDIS

SENSITIVE

DEPARTMENT FOR EAP/BCLTV, DRL, EAP/P (Bailes)

E.O. 12958: N/A

TAGS: [PHUM](#) [SOVI](#) [PREL](#) [PGOV](#) [VM](#) [HUMANR](#)

SUBJECT: ACTIVIST NGUYEN DAN QUE SENTENCED

REF: A) Hanoi 1964; B) HCMC 917

1. (U) On July 29, a HCMC criminal court sentenced prominent activist Nguyen Dan Que to 30 months imprisonment for "abusing democratic freedoms to infringe upon the interests of the State." Que was originally charged with the much more serious charge of "espionage" after calling for political and human rights reform in Vietnam over the Internet. Que was detained on March 17, 2003. Counting time served in pre-trial detention, Dr. Que would be eligible for release in September 2005. Despite official requests, the GVN denied Consulate officers access to the trial, which was closed to the public, press, and foreign diplomats.

2. (SBU) Dr. Que was combative throughout the 3-hour trial, according to Ms. Tam Van, Dr. Que's wife, who was allowed to attend. He sometimes refused to respond to the judge's questions and was taken out of court three times to calm down -- the verdict was announced while he was outside court chambers. Mrs. Que said Dr. Que's health is "normal," despite ongoing diabetes. She said that the Que family would move to press the GVN to amnesty Dr. Que. (Note: Que was amnestied in 1998 after serving eight years of a twenty-year sentence for "attempting to overthrow the people's government" after he attempted to organize a group to push for a multi-party political system in Vietnam.)

3. (SBU) Comment: We had hoped for a better result from the trial. While the verdict could have been harsher, the sentencing earlier this month of Pham Que Duong and Tran Khue to little more than time served led us to believe that a similar punishment might be in line for Que (reftels). Nonetheless, the drastically different sentences between Que's 1990 and 2004 convictions underscores that some progress has been made here. End comment

4. (U) Begin suggested press points on Nguyen Dan Que

Q. What is your reaction to the sentence imposed upon detained Vietnamese democracy activist Dr. Nguyen Dan Que?

A. The Department condemns the Vietnamese Government's treatment of Dr. Que for the peaceful expression of his political views. His arrest, detention and sentencing violates international human rights standards. The GVN has freely assumed these standards through its ratification of international human rights instruments, including the International Covenant on Civil and Political Rights.

The Department urges the GVN to immediately release Dr. Que and all those in prison, detention or house arrest for peacefully expressing their views.

Q. Did the Consulate General send someone to the trial to observe?

A. The U.S. Consulate General was not given permission to attend; Consulate representatives were turned away at the courthouse door. We continue to remind the Vietnamese Government of its international obligations to fair and open trials and transparency in the judicial process.

5. (U) End press guidance.

OGBURN